two tribunals were courts-martial, and that an extraordinary course to a certain degree is proper when state and military secrets are involved. It was abundantly proved in the Zola trial, not by the defence, but by witnesses for the prosecution, that Dreyfus was convicted either on plainly insufficient evidence, namely, the *bordereau*, or on illegal evidence, namely, a secret document not disclosed to himself or his counsel. It was abundantly proved by the same witnesses that the Esterhazy court-martial, out of respect for the *chose jugée* or for other reasons, did not try the accused at all. Until the *Cour de Cassation* has passed on the exceptions taken to the conduct of the Zola trial itself, it may be unwise to say that that too was on its face illegal, but such is the writer's conviction. If it is permitted to point out a conclusion when it appears to be so obvious, it may be said that judging from these trials, the French people either fail to distinguish between a just result legally reached and a just result reached illegally; or if they perceive the distinction, consider it as a matter of indifference. Probably the latter statement is the truer one. The contrast to Anglo-Saxon legal ideas is glaring. Conceivably a neutral party might prefer one idea or the other. The Anglo-Saxon may be pardoned for viewing the comparison with complacency.

ARREST ON A BAIL PIECE. — An ancient right, notable by reason of the infrequency with which it is exercised at the present day, is illustrated in the case of *Von der Ahe's Petition* (reported in the Pittsburg Commercial Gazette, Feb. 12, 1898). Von der Ahe was the defendant in an action on a debt in the State of Pennsylvania, and had been admitted to bail. The case went against him, but he had gone into the State of Missouri, and refused either to pay or to give himself up. His bail finding himself liable, took forcible measures to bring the principal to Pennsylvania in order to surrender him. He employed a detective, who arrested Von der Ahe in St. Louis, Mo., and brought him to Pittsburg. Von der Ahe thereupon applied to Judge Buffington of the Federal court for a writ of *habeas corpus*, but the court justified the seizure and remanded the petitioner to the custody of his bail.

The right of a bail to arrest the body of his principal, although at first sight anomalous, is consistent with the early conception of the relationship between the parties. The bail has been looked upon as the principal's gaoler, and the principal when bailed has been deemed as truly imprisoned as if he were still confined by bolts and bars. The bail may discharge himself whenever he pleases by surrender of the principal; to this end he can imprison him, pursue him, arrest him on Sunday or on his way to court in another suit. He can even break into his house to take him; and he may make the arrest either in person or by agent. "The bail have their principal on a string, and may pull the string whenever they please and render him in their discharge." *Anonymous*, 6 Mod. 231. Any liberty, therefore, allowed to the principal is by the indulgence of his bail, and as was said by Lord Hardwicke in *Ex parte Gibbons*, 1 Atk. 237, to "prevent a person who has been so kind as to give the principal his liberty from taking him up in discharge of himself would be very hard."

The authority of a bail over his principal being virtually that of a gaoler over a prisoner, the further question is raised whether this relationship follows the principal beyond the limits of the State where it arises.

The argument was strongly urged in the present case that the arrest was by process of court, and could properly have been made only within the jurisdiction of the court where the original suit was brought and the bail piece issued. This argument, however, is untenable; for the bail piece, unlike a sheriff's writ, is not the authority by which the arrest is made. The relation subsisting between the parties is the authority for the arrest, and the bail piece is merely evidence of that relation. No good reason can be suggested why this relation, like that of master and servant, or husband and wife, should not be maintained in any State or jurisdiction. That it is so maintained has been decided by the United States Supreme Court, and this view is supported by all competent authority. *Taylor* v. *Taintor*, 16 Wall. 371; *Commonwealth* v. *Brickett*, 8 Pick. 237.

RELIGIOUS LIBERTY UNDER THE FEDERAL CONSTITUTION. — Except in the case of *Reynolds* v. *U. S.*, 98 U. S. 145, where it was held that the Mormons were not constitutionally entitled to practise polygamy, the first clause of the First Amendment to the Constitution of the United States, providing that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," has never been fairly brought up for judicial construction, until a recent case in the Supreme Court of the District of Columbia. In this case, *Bradford* v. *Roberts* (reported in 26 Wash. Law Rev. 84), the Court restrained the application of public funds to the construction of a building on the grounds of the Providence Hospital in Washington. Congress had appropriated money for a building, to be erected on the grounds of a hospital within the District of Columbia, at the discretion of the commissioners of the District; and the commissioners made an agreement with the directors of this institution, which was under Roman Catholic control, to construct the building on their grounds, to put it under their management, and to pay them for the sick that might be sent there by the District. That this agreement was beyond the authority of the commissioners is made to appear clearly from the appropriating act, which contains a section declaring that it is against the policy of the government to make any appropriation in aid of a sectarian institution. Apart from this express restriction, however, it was held that the agreement was unconstitutional. For this decision no judicial precedent is quoted, nor any authority except two messages of President Madison vetoing acts passed by Congress for the benefit of religious societies, as in conflict with the first Amendment. The first of these acts seems to have amounted to little more than a grant of corporate privileges to a church and the prescription of various regulations as to its management. Congress, however, has frequently incorporated churches and sectarian institutions, nor can any objection be taken to such charters so long as all regulations contained in them are construed as affecting merely the secular affairs of the corporation. There seems to have been no sufficient ground, therefore, for the veto in the case of this act. The second act was simply a grant of land to a church, and presented a case somewhat similar to that of *Bradford* v. *Roberts*. That the second veto and the decision of this recent case were alike correct seems clear. It may be said that in the case under discussion the money was to be expended not so much for the benefit of the institution as for the benefit of the District whose sick poor people, according to the agreement, were to be